

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------------|---|-----------------------|
| BUWLUS A. MUHAMMAD, | : | |
| Plaintiff, | : | Civil No. 04-131 Erie |
| v. | : | |
| | : | |
| ERIE COUNTY DISTRICT ATTORNEY BRAD | : | |
| FOULK,, et al., | : | |
| Defendants. | : | |

MOTION FOR EXTENSION OF DISCOVERY DEADLINE

AND NOW, this 14th day of September, 2005, comes defendants Bradley Foulk and Robert Sambroak, by and through their counsel, Matthew J. McLaughlin, Esquire, and files this motion for extension of discovery deadline relative to the above referenced case, stating in support there of the following:

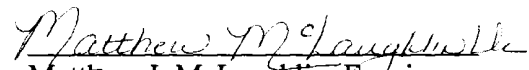
1. Plaintiff has filed a civil rights lawsuit against defendants Foulk and Sambroak contending that in retaliation for plaintiff testifying on behalf of another defendant in December, 2001, at a preliminary hearing before a District Justice, defendants Foulk and Sambroak maliciously prosecuted plaintiff for burglary and tampering with evidence, which caused plaintiff to be incarcerated for a brief period of time. The charges were allegedly dismissed.
2. Defendants Foulk and Sambroak have denied all the material allegations contained in plaintiff's complaint.
3. Pursuant to a Court Order dated June 27, 2005, this Court mandated that all discovery in the above referenced case be completed by September 15, 2005.
4. In early August, 2005, plaintiff served defendants with discovery requests in a letter form. Some of the requests are objectionable and defense counsel is

currently in the process of working with the District Attorney's office to provide plaintiff with copies of the discoverable documents he requested. The fact that the plaintiff has been involved in so many criminal proceedings in the Court of Common Pleas of Erie County, Pennsylvania, has made compliance with plaintiff's discovery requests a time consuming endeavor.

5. Defense counsel also wishes to take the oral deposition of plaintiff in the near future at S.C.I. at Smithfield in Huntingdon, Pennsylvania. Arrangements will be made with the officials at S.C.I. Smithfield to schedule the deposition as soon as possible.
6. In light of the above, defense counsel hereby requests a thirty day extension of the discovery deadline until October 15, 2005.
7. It is believed and therefore averred that the requested thirty day extension of the discovery deadline, will in no way prejudice plaintiff.

WHEREFORE, it is respectfully requested this Honorable Court enter an Order amending its previous Order of June 27, 2005, and mandating that all discovery be completed by October 15, 2005.

Respectfully submitted,


Matthew J. McLaughlin, Esquire
Assistant Solicitor for Erie County
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Counsel for defendants, Bradley
Foulk and Robert Sambroak

Dated: September 14, 2005

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| BUWLUS A. MUHAMMAD, | : | |
| Plaintiff, | : | Civil No. 04-131 Erie |
| v. | : | |
| | : | |
| ERIE COUNTY DISTRICT ATTORNEY BRAD | : | MAGISTRATE JUDGE |
| FOULK,, et al., | : | |
| Defendants. | : | |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within motion to extend discovery deadline was served on this the 14th day of September, 2005, via United States, First Class mail, postage pre-paid, upon all counsel of record and unrepresented parties, in accordance with the applicable Rules.

By: Matthew J. McLaughlin
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Counsel for defendants, Bradley
Foulk and Robert Sambroak

Date: September 14, 2005